

EXHIBIT 2

From: [Friedman, Andrew \(USAWAW\)](#)
To: [Mo Hamoudi](#); [Christopher Sanders](#); [Nancy Tenney](#); [bklein@waymakerlaw.com](#); [mmeister@waymakerlaw.com](#); [estierwalt@waymakerlaw.com](#); [Manca, Jessica \(USAWAW\)](#); [Culbertson, Tania \(USAWAW\)](#)
Subject: RE: U.S. v Paige Thompson, CR1-159 RSL
Date: Thursday, March 3, 2022 10:21:46 AM
Attachments: [image001.png](#)

Mo,

As reflected in your email to us of February 16 and my email to you of February 22, this presentation was made to lawyers at Main Justice, not to any United States Attorney's Office.

Andrew

From: Mo Hamoudi <Mo_Hamoudi@fd.org>
Sent: Wednesday, March 2, 2022 10:55 AM
To: Friedman, Andrew (USAWAW) <AFriedman@usa.doj.gov>; Christopher Sanders <Christopher_Sanders@fd.org>; Nancy Tenney <Nancy_Tenney@fd.org>; [bklein@waymakerlaw.com](#); [mmeister@waymakerlaw.com](#); [estierwalt@waymakerlaw.com](#); Manca, Jessica (USAWAW) <JManca@usa.doj.gov>; Culbertson, Tania (USAWAW) <TCulbertson@usa.doj.gov>
Subject: [EXTERNAL] RE: U.S. v Paige Thompson, CR1-159 RSL

Andrew,

Can you please identify which AUSA office Capital One made the presentation to in the recently disclosed discovery. Disc. 14157. The power point states "Department of Justice" but does not specify. Id. In the initial discovery you disclosed to us, AUSA Tim Howard from SDNY was present in some of the meetings. Disc. 22-23. Was the presentation made to him or the SDNY?

Thanks

Mo

From: Friedman, Andrew (USAWAW) <Andrew.Friedman@usdoj.gov>
Sent: Monday, February 28, 2022 11:52 AM
To: Mo Hamoudi <Mo_Hamoudi@fd.org>; Christopher Sanders <Christopher_Sanders@fd.org>; Nancy Tenney <Nancy_Tenney@fd.org>; [bklein@waymakerlaw.com](#); [mmeister@waymakerlaw.com](#); [estierwalt@waymakerlaw.com](#); Manca, Jessica (USAWAW) <Jessica.Manca@usdoj.gov>; Culbertson, Tania (USAWAW) <Tania.Culbertson@usdoj.gov>
Subject: RE: U.S. v Paige Thompson, CR1-159 RSL

Mo et al.,

Do you have time this afternoon after 2:00 or tomorrow afternoon after 2:00 to talk about trial

scheduling?

Andrew

From: Friedman, Andrew (USAWAW)

Sent: Tuesday, February 22, 2022 6:15 PM

To: Mo Hamoudi <Mo_Hamoudi@fd.org>; Christopher Sanders <Christopher_Sanders@fd.org>; Nancy Tenney <Nancy_Tenney@fd.org>; bklein@waymakerlaw.com; mmeister@waymakerlaw.com; estierwalt@waymakerlaw.com; Manca, Jessica (USAWAW) <JManca@usa.doj.gov>; Culbertson, Tania (USAWAW) <TCulbertson@usa.doj.gov>

Subject: RE: U.S. v Paige Thompson, CR1-159 RSL

Mo et al.,

Thank you for providing this information about the defense team's availability. As you know from our email of February 11, rescheduling a trial of this length is a significant challenge for our trial team, in part because we intentionally scheduled several other trials around this one. We are working on our scheduling issues, believe that we are making progress, and will keep you posted concerning that progress.

With respect to the discovery production, as soon as we became aware that Capital One had provided the materials you reference to Main Justice, we proactively reached out, obtained a copy, and produced them to you. As you can see from the production, it is largely duplicative of the materials Capital One previously provided to you. In addition, although we gathered and produced the materials (as we have other relevant materials in our possession), they are not actually exculpatory. We also have spoken with Capital One counsel, who confirmed that Capital One did not produce any materials to any other component of the Department of Justice, including the Federal Bureau of Investigation, that have not now been produced to you. For all of these reasons, although you are, of course, welcome to seek what you call a *Brady* Order, such an order would serve no purpose. It would, as you know, not actually impose any obligation upon the government that does not already exist. And, as the history of the case shows, we are aware of our *Brady* obligations, have complied with them, and will continue to do so. We would, of course, oppose the entry of such an order.

With respect to the Office of the Comptroller of the Currency documents, as we repeatedly have explained in correspondence, the OCC is not a member of our prosecution team. We neither have the documents that you seek, nor have any obligation (or, in the case of at least many of the documents, probably even the ability) to get them. There also is nothing about the documents that bears any prospect of being exculpatory. As we previously have stated, if you wish to obtain these documents, you will have to obtain them directly from the OCC.

Finally, with respect to the drive provided to you on January 14, 2022, the "aws_hacking_shit" folder is not on that drive. Two versions of that folder were provided to you in January 2020, as part of the material referenced in our discovery letter of February 10, 2020, a copy of which is attached. As noted in our letter to you of January 14, 2022, a copy of which also is attached, the drive provided

on that date contained only "images of: (1) the remaining data from your client's desktop computer not previously provided, specifically, (a) the portions of the desktop that did not contain any apparently-relevant evidence and (b) all victim data except the data stolen from Capitol One, and (2) an image of the single cd from which evidence was seized pursuant to the search warrant." To the extent that you are having trouble accessing material on the drive provided on January 14, 2022, Waymon Ho indicates that accessing some portions of the drive requires a specific forensic program, X-Ways, while other portions are the original encrypted copies and would require use of common forensic tools to mount, decrypt, and read the data. If your forensic expert remains unable to access these materials, Mr. Ho has offered to speak with him/her and assist him/her in accessing and viewing the data.

Andrew, Jessica, and Tania

From: Mo Hamoudi <Mo_Hamoudi@fd.org>
Sent: Tuesday, February 22, 2022 10:23 AM
To: Christopher Sanders <Christopher_Sanders@fd.org>; Nancy Tenney <Nancy_Tenney@fd.org>; bklein@waymakerlaw.com; mmeister@waymakerlaw.com; estierwalt@waymakerlaw.com; Friedman, Andrew (USAWAW) <AFriedman@usa.doj.gov>; Manca, Jessica (USAWAW) <JManca@usa.doj.gov>; Culbertson, Tania (USAWAW) <TCulbertson@usa.doj.gov>
Subject: [EXTERNAL] RE: U.S. v Paige Thompson, CR1-159 RSL

Andrew:

Morning. We wanted to reach out again about our e-mail below about the continuance and *Brady* issue. Also, the drive you dropped us at our office on January 14, 2022 has problems associated with it. We are not able to access it and have tried multiple methods to access it. The most time-efficient way to proceed is to have you disclose an archive of only the "aws_hacking_shit" folder. Can you please make available this archive as soon as possible and let me know. I'll come by and pick it up.

Thanks

Mo

From: Mo Hamoudi
Sent: Wednesday, February 16, 2022 7:38 PM
To: Christopher Sanders <Christopher_Sanders@fd.org>; Nancy Tenney <Nancy_Tenney@fd.org>; bklein@waymakerlaw.com; mmeister@waymakerlaw.com; estierwalt@waymakerlaw.com; Friedman, Andrew (USAWAW) <Andrew.Friedman@usdoj.gov>; Manca, Jessica (USAWAW) <Jessica.Manca@usdoj.gov>; Culbertson, Tania (USAWAW) <Tania.Culbertson@usdoj.gov>
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Andrew et al:

We wanted to reach out to see which one of these dates that work with Judge Lasnik also work for you: May 16; May 23; May 31; June 6. They all work for Ms. Thompson and the defense team. Again, we cannot wait until September to do this trial. We also need to secure a date before the March

hearing. We also wanted to reach out about these materials that Capital One shared with the Department of Justice including a presentation made directly by them to Main Justice:



We're obviously very concerned that you are not receiving the same materials as others in the Department of Justice in a timely manner so that they can be produced as discovery, which is more important than ever in light of the fast-approaching trial date. To protect Ms. Thompson, we plan to request that the Court enter a *Brady* order for distribution to Main Justice and anyone else on the prosecution team. We also think it's more than ever that you seek documents from the OCC tied to its investigation of Capital One.

Please let us know your position on these matters. Thanks

Mo

From: Holder, Sandra (USAWAW) <Sandra.Holder@usdoj.gov>

Sent: Tuesday, February 15, 2022 2:48 PM

To: Mo Hamoudi <Mo_Hamoudi@fd.org>; Christopher Sanders <Christopher_Sanders@fd.org>; Nancy Tenney <Nancy_Tenney@fd.org>; bklein@waymakerlaw.com; mmeister@waymakerlaw.com; estierwalt@waymakerlaw.com

Cc: Friedman, Andrew (USAWAW) <Andrew.Friedman@usdoj.gov>; Manca, Jessica (USAWAW) <Jessica.Manca@usdoj.gov>; Culbertson, Tania (USAWAW) <Tania.Culbertson@usdoj.gov>

Subject: U.S. v Paige Thompson, CR1-159 RSL

Good afternoon, Counsel

Attached is a letter of today's date regarding additional discovery materials [PRODUCTION 11] that are available on USAfx. Please let me know if you have any questions.

Thank you,
Sandra

Sandra Holder
Legal Assistant | US Attorney's Office
700 Stewart Street, Suite 5220 | Seattle, WA 98101-1271
Phone: 206-553-4134 | sandra.holder@usdoj.gov